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May 1, 2023

**VIA ECF**

United States District Court  
Eastern District of New York  
Attn: Hon. Pamela K. Chen, U.S.D.J.  
225 Cadman Plaza East  
Courtroom 4F North  
Brooklyn, NY 11201-1804

**Re: IME WatchDog, Inc. v. Gelardi, *et al.***  
**Case No.: 1:22-cv-1032 (PKC) (JRC)**  
**MLLG File No.: 25-2022**

Dear Judge Chen:

This office represents the Plaintiff IME WatchDog, Inc. (“Plaintiff”) in the above-referenced case. Plaintiff submits the instant reply letter in further support of its request for an Order directing the following agents of Defendant IME Companions LLC (“Companions”) to appear at the show cause hearing on Thursday, May 4, 2023: (i) Jeff Beiben (“Beiben”); (ii) Fari Gutierrez (“Gutierrez”); (iii) Jonathan Frobart (“Frobart”); (iv) Hesham “Sammy” Salameh (“Salameh”); (v) Eugene Liddie (“Liddie”); and (vi) Shakiya K. Hall (“Hall”). Defendants provide no basis in their opposition to deny the relief requested herein, and some of the representations they have made are belied by recent history. The letter motion to compel must thus be granted.

For instance, while Defendants argue that they have no control over Beiben, Gutierrez, Frobart, Salameh, Liddie, or Hall, they ignore the fact that when Defendants were directed to ensure that Beiben’s subpoena is served upon him at the March 27, 2023 hearing and that he appear there so that he may be called as a witness, Beiben was so served and did appear as ordered to by the Court. As such, the representation that him and the others are no longer under the control of Defendants is inaccurate.

Indeed, all of the witnesses named above are agents of Companions and/or their alter egos and successors, Client Exam Services LLC and/or IME Management & Consulting LLC d/b/a IME Legal Reps. As such, they are within Defendants’ control.

Further, an attorney for Liddie has been in contact with Plaintiff concerning the appearance at noon. Liddie’s attorney stated that she has a conference on for 9:30 AM at the Supreme Court of the State of New York, Nassau County. As a result, while Plaintiff did not consent to an adjournment, Plaintiff is amenable to any request for Liddie and her counsel to appear on Thursday, May 4, 2023 at 1:00 PM.

Moreover, the reference to Companions as “defunct” is similarly unavailing as, *inter alia*, Defendants have formed new entities that are an alter ego and/or successor of Companions and Companions remains “active” according to the New York State Department of State’s Division of Corporations database. Defendants’ argument concerning the alleged lack of evidence is similarly misguided. The purpose of a hearing is to adduce evidence concerning Plaintiff’s requests for relief. See Davis v. Costa-Gavras, 650 F. Supp. 153, 156 (S.D.N.Y. 1986) (recognizing that the purpose of Rule 43(c) is to “focus on and flush out what, if any, essential evidence the plaintiff can adduce” warranting the relief sought); see also Brown v. Peconic Bay Med. Ctr., No. 15-CIV.-173 (JFB) (AKT), 2016 WL 1306552, at \*4 (E.D.N.Y. Mar. 31, 2016) (“Pursuant to the Court’s authority to hear oral testimony on any evidentiary matter ‘[w]hen a motion relies on facts outside the record,’ the Court is setting this matter down for a hearing”). It is therefore entirely appropriate to compel the appearance of witnesses to adduce evidence.

Should this Court require evidence of attempts to serve the remaining four (4) witnesses, Plaintiff is prepared to so submit. Accordingly, this Court should direct these individuals to appear at the May 4, 2023 hearing together with any documents responsive to the request for production within the subpoenas.

Plaintiff thanks this honorable Court for its continued time and attention to this case.

Dated: Lake Success, New York  
May 1, 2023

Respectfully submitted,

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